



DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, Department of Education.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Secretary of Education publishes a semiannual agenda of Federal regulatory and deregulatory actions. The agenda is issued under the authority of section 4(b) of Executive Order 12866 "Regulatory Planning and Review." The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about regulatory actions we plan to take.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the agency contact listed for the regulations. Other questions or comments on this agenda should be directed to LaTanya Cannady, Program Specialist, or Hilary Malawer, Deputy Assistant General Counsel, Division of Regulatory Services, Office of the General Counsel, Department of Education, Room 6C131, 400 Maryland Avenue SW., Washington, DC 20202-2241; telephone: (202) 401-9676 (LaTanya Cannady) or (202) 401-6148 (Hilary Malawer). Individuals who use a telecommunications device for the deaf (TDD) or a text telephone (TTY) may call the Federal Relay Service (FRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: Section 4(b) of Executive Order 12866, dated September 30, 1993, requires the Department of Education (ED) to publish, at a time and in a manner specified by the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, an agenda of all regulations under development or review. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires ED to publish, in October and April of each year, a regulatory flexibility agenda.

The regulatory flexibility agenda may be combined with any other agenda that satisfies the statutory requirements (5 U.S.C. 605(a)). In compliance with the Executive order and the Regulatory Flexibility Act, the Secretary publishes this agenda.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation to any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract that includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at ED from whom a reader can obtain additional information regarding the planned action.

In accordance with ED's Principles for Regulating listed in its regulatory plan (78 FR 1361, published January 8, 2013), ED is committed to regulations that improve the quality and equality of services to its customers. ED will regulate only if absolutely necessary and then in the most flexible, most equitable, least burdensome way possible.

Interested members of the public are invited to comment on any of the items listed in this agenda that they believe are not consistent with the Principles for Regulating. Members of the public are also invited to comment on any uncompleted actions in this agenda that ED plans to review under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine their economic impact on small entities.

This publication does not impose any binding obligation on ED with regard to any specific item in the agenda. ED may elect not to pursue any of the regulatory actions listed here, and regulatory action in addition to the items listed is not precluded. Dates of future regulatory actions are subject to revision in subsequent agendas.

Electronic Access to This Document

The entire Unified Agenda is published electronically and is available online at www.reginfo.gov.

NAME: Philip Rosenfelt,

Deputy General Counsel, delegated the authority to perform the functions and duties of the General Counsel.

Office of Postsecondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
266	Gainful Employment (Reg Plan Seq No. 40)	1840–AD15

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

Office of Postsecondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
267	150% Regulations	1840–AD13

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
268	Transitioning from the FFEL Program to the Direct Loan Program and Loan Rehabilitation Under the FFEL, Direct Loan, and Perkins Loan Programs	1840–AD12

Department of Education (ED)	Proposed Rule Stage
Office of Postsecondary Education (OPE)	

266. • GAINFUL EMPLOYMENT

Regulatory Plan: This entry is Seq. No. 40 in part II of this issue of the **Federal Register**.

RIN: 1840–AD15

Department of Education (ED)	Final Rule Stage
Office of Postsecondary Education (OPE)	

267. 150% REGULATIONS

Legal Authority: PL 112–141

Abstract: We are announcing final regulations to implement Public Law 112-141, which made changes to section 455 of the Higher Education Act of 1965, as amended (HEA). Specifically, we are regulating to implement the following: (1) a new borrower on or after July 1, 2013, becomes ineligible to receive additional Direct Subsidized Loans if the period during which the borrower has received such loans exceeds 150% of the published length of the borrower's educational program, and (2) interest on all Direct Subsidized Loans that were disbursed to such borrower on or after July 1, 2013, will accrue.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/13	78 FR 28954
Interim Final Rule Comment Period End	07/01/13	
Final Rule	01/00/14	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Nathan Arnold, Department of Education, Office of Postsecondary Education, Room 8084, 1990 K Street NW., Washington, DC 20006

Phone: 202 219–7134

Email: nathan.arnold@ed.gov

RIN: 1840–AD13

Department of Education (ED)	Completed Actions
Office of Postsecondary Education (OPE)	

268. TRANSITIONING FROM THE FFEL PROGRAM TO THE DIRECT LOAN PROGRAM AND LOAN REHABILITATION UNDER THE FFEL, DIRECT LOAN, AND PERKINS LOAN PROGRAMS

Legal Authority: 20 USC 1070a; 20 USC 1071 to 1087–4; 20 USC 1087a to 1087j; 20 USC 1098e; PL 111–152

Abstract: The Secretary amends the title IV, HEA student assistance regulations to (a) reflect that, as of July 1, 2010, under the SAFRA Act, no new FFEL Program loans will be made, (b) clarify for borrowers using the rehabilitation option to get out of default on their loans how reasonable and affordable will be defined, and (c) make other improvements to the Direct Loan, FFEL, and Perkins Loan programs.

Completed:

Reason	Date	FR Cite
NPRM	07/29/13	78 FR 45618
Final Action	11/01/13	78 FR 65768

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Lynn Mahaffie

Phone: 202 502–7903

Email: lynn.mahaffie@ed.gov

RIN: 1840–AD12

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